

FILED

NOT FOR PUBLICATION

FEB 22 2006

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

KENNETH W. REED,

Plaintiff - Appellant,

v.

STATE OF ARIZONA; et al.,

Defendants - Appellees.

No. 03-17108

D.C. No. CV-02-01648-JAT

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Kenneth W. Reed appeals pro se from the district court's order dismissing his action 42 U.S.C. § 1983 action and the court's order denying his motion to set aside the judgment. We have jurisdiction under 28 U.S.C. § 1291. We review for

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

abuse of discretion, *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (dismissal for failure to comply with court order); *School Dist. No. 1J, Multnomah County v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993) (denial of reconsideration), and we affirm.

The district court did not abuse its discretion by dismissing Reed's action pursuant to Fed. R. Civ. P. 41(b), because he failed to comply with two court orders instructing him to file an amended complaint. *See Ferdik*, 963 F.2d at 1260-61. Nor did the district court abuse its discretion by denying his motion to set aside the judgment. *See School Dist. No. 1J*, 5 F.3d at 1263.

We are not persuaded by Reed's contention that the conduct of Judge Teilborg in other cases in which Reed is a party demonstrates a pattern of discrimination. *See Taylor v. Regents of Univ. of California*, 993 F.2d 710, 712 (9th Cir. 1993) (where "the essence of [appellant's] allegation of judicial bias was that [the judge's] prior ruling was adverse to him," appellant failed to show judicial bias from an extrajudicial source).

Reed's remaining contentions are unpersuasive.

All pending motions are denied.

AFFIRMED